

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Engrossed

Senate Bill 669

BY SENATORS BOLEY, PLYMALE AND BLAIR

[Introduced February 22, 2016;

Referred to the Committee on Education]

1 A BILL to amend and reenact §18-2-6 of the Code of West Virginia, 1931, as amended, relating
2 to the demonstration of proficiency in civics as a condition of receiving a high school
3 diploma or General Educational Development diplomas.

Be it enacted by the Legislature of West Virginia:

1 That §18-2-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted
2 to read as follows:

ARTICLE 2. STATE BOARD OF EDUCATION.

**§18-2-6. Classification and standardization of schools; standards for degrees and
diplomas; certificates of proficiency; establishment of alternative education
programs.**

1 (a) The state board shall promulgate rules for the accreditation, classification and
2 standardization of all schools in the state, except institutions of higher education, and shall
3 determine the minimum standards for granting diplomas and certificates of proficiency by those
4 schools.

5 (1) The certificates of proficiency shall include specific information regarding the
6 graduate's skills, competence and readiness for employment or honors and advanced education
7 and shall be granted, along with the diploma, to every eligible high school graduate.

8 (2) The certificate of proficiency shall include the program of study major completed by the
9 student only for those students who have completed the required major courses, or higher level
10 courses, advanced placement courses, college courses or other more rigorous substitutes related
11 to the major, and the recommended electives.

12 (3) Beginning with the 2016-2017 school year, a minimum standard for receiving a
13 diploma, Test Assessing Secondary Completion (TASC) diploma or equivalent shall include
14 correctly answering at least sixty questions of a one hundred-question civics test: *Provided, That*
15 any necessary modifications pursuant to any student's individualized education plan (IEP) or

16 education plan established pursuant to Section 504 of the Rehabilitation Act of 1973, as amended,
17 29 U. S. C. §794, shall apply.

18 (A) For the purposes of this subdivision, "civics test" means the one hundred questions
19 that officers of the United States Citizenship and Immigration Services use to test applicants for
20 naturalization in order that the applicants can demonstrate a knowledge and understanding of the
21 fundamentals of United States history and the principles and form of United States government.

22 (B) A student may take the test at any time after enrolling in grade nine and may repeat
23 the test as often as necessary to demonstrate proficiency.

24 (C) Neither the state or county superintendent of schools nor the state or county board of
25 education may impose or collect any fees or charges in connection with this subdivision.

26 (b) An institution of less than collegiate or university status may not grant any diploma or
27 certificate of proficiency on any basis of work or merit below the minimum standards prescribed
28 by the state board.

29 (c) A charter or other instrument containing the right to issue diplomas or certificates of
30 proficiency may not be granted by the State of West Virginia to any institution or other associations
31 or organizations of less than collegiate or university status within the state until the condition of
32 granting or issuing the diplomas or other certificates of proficiency has first been approved in
33 writing by the state board.

34 (d) The state board shall promulgate a rule for the approval of alternative education
35 programs for disruptive students who are at risk of not succeeding in the traditional school
36 structure.

37 (1) This rule may provide for the waiver of other policies of the state board, the
38 establishment and delivery of a nontraditional curriculum, the establishment of licensure
39 requirements for alternative education program teachers, and the establishment of performance
40 measures for school accreditation.

41 (2) This rule shall provide uniform definitions of disruptive student behavior and uniform
42 standards for the placement of students in alternative settings or providing other interventions
43 including referrals to local juvenile courts to correct student behavior so that they can return to a
44 regular classroom without engaging in further disruptive behavior.

45 (e) The state board shall establish up to five pilot projects at the elementary or middle
46 school levels, or both, that employ alternative schools or other placements for disruptive students
47 to learn appropriate behaviors so they can return to the regular classroom without further
48 disrupting the learning environment. The state board shall report to the Legislative Oversight
49 Commission on Education Accountability by December 1, 2010, on its progress in establishing
50 the pilot projects and by December 1 in each year after that for the duration of the pilot projects
51 on the effect of the projects on maintaining student discipline.

52 (f) If a student attends an approved alternative education program or the Mountaineer
53 Challenge Academy, which is designated as a special alternative education program pursuant to
54 section twenty-four, article one-b, chapter fifteen of this code, and the student graduates or
55 passes the General Equivalency Development (GED) tests within five years of beginning ninth
56 grade, that student shall be considered graduated for the purposes of calculating the high school
57 graduation rate used for school accreditation and school system approval, subject to the following:

58 (1) The student shall be considered graduated only to the extent that this is not in conflict
59 with any provision of federal law relating to graduation rates;

60 (2) If the state board determines that this is in conflict with a provision of federal law relating
61 to graduation rates, the state board shall request a waiver from the United States Department of
62 Education; and

63 (3) If the waiver is granted, notwithstanding the provisions of subdivision (1) of this
64 subsection, the student graduating or passing the General Educational Development (GED) tests
65 within five years shall be considered graduated.

66 (g) The state board shall promulgate a rule to support the operation of the National Guard
67 Youth Challenge Program operated by the Adjutant General and known as the Mountaineer
68 Challenge Academy which is designated as a special alternative education program pursuant to
69 section twenty-four, article one-b, chapter fifteen of this code for students who are at risk of not
70 succeeding in the traditional school structure. The rule shall set forth policies and procedures
71 applicable only to the Mountaineer Challenge Academy that provide for, but are not limited to, the
72 following:

73 (1) Implementation of provisions set forth in section twenty-four, article one-b, chapter
74 fifteen of this code;

75 (2) Precedence of the policies and procedures designated by the National Guard Bureau
76 for the operation of the Mountaineer Challenge Academy special alternative education program;

77 (3) Consideration of a student participating in the Mountaineer Challenge Academy special
78 alternative education program at full enrollment status in the referring county for the purposes of
79 funding and calculating attendance and graduation rates, subject to the following:

80 (A) The student shall be considered at full enrollment status only for the purposes of
81 calculating attendance and graduation rates to the extent that this is not in conflict with any
82 provision of federal law relating to attendance or graduation rates;

83 (B) If the state board determines that this is in conflict with a provision of federal law
84 relating to attendance or graduation rates, the state board shall request a waiver from the United
85 States Department of Education;

86 (C) If the waiver is granted, notwithstanding the provisions of paragraph (A) of this
87 subdivision, the student shall be considered at full enrollment status in the referring county for the
88 purposes of calculating attendance and graduation rates; and

89 (D) Consideration of the student at full enrollment status in the referring county is for the
90 purposes of funding and calculating attendance and graduation rates only. For any other purpose,
91 a student participating in the academy is considered withdrawn from the public school system;

92 (4) Articulation of the knowledge, skills and competencies gained through alternative
93 education so that students who return to regular education may proceed toward attainment or
94 may attain the standards for graduation without duplication; and

95 (5) Consideration of eligibility to take the General Educational Development (GED) tests
96 by qualifying within the extraordinary circumstances provisions established by state board rule for
97 a student participating in the Mountaineer Challenge Academy special alternative education
98 program who does not meet any other criteria for eligibility.

99 (h) Nothing in this section or the rules promulgated under this section compels the
100 Mountaineer Challenge Academy to be operated as a special alternative education program or to
101 be subject to any other laws governing the public schools except by its consent.

102 (i) The Legislature makes the following findings regarding students at-risk:

103 (1) Defeated and discouraged learners:

104 (A) Any child who is unlikely to graduate on schedule with both the skills and self-esteem
105 necessary to exercise meaningful options in the areas of work, leisure, culture, civic affairs and
106 personal relationships may be defined as being an at-risk student;

107 (B) Problems associated with students at-risk often begin for them in the early grades as
108 they gradually fall further behind in the essential skills of reading, writing and math;

109 (C) These problems may be accompanied by such behavior patterns as poor attendance,
110 inattentiveness, negative attitudes and acting out in class. These patterns are both symptoms of
111 and added catalysts for students to become increasingly defeated and discouraged learners;

112 (D) By the middle grades, students with growing skill deficits, usually know they are behind
113 other students and have good reason to feel discouraged. A growing lack of self-confidence and
114 self-worth, limited optimism for the future, avoidance of school and adults and a dimming view of
115 the relationship between effort and achievement are among the characteristics of defeated and
116 discouraged learners;

117 (E) Public schools are expected to address the needs of all students, minimizing the
118 likelihood that they will become at-risk and giving additional attention to those who do; however,
119 the circumstances involved with a child becoming at-risk often are complex and may include
120 influences both within and outside of the school environment; and

121 (F) In fragile homes, a child who is at-risk and is becoming a discouraged and defeated
122 learner often lacks adequate support and may develop peer relationships that further exacerbate
123 the difficulty of reengaging him or her in learning, school and responsible social behavior.

124 (2) The Legislature further finds that the public schools should not be deterred from
125 seeking and assisting with enrollment of students in an alternative program that helps remedy the
126 discouragement, lessens skill deficits and facilitates a successful return to public school.

127 (A) For this purpose, subject to approval of the county superintendent, a student enrolled
128 in the public schools of the county may continue to be enrolled while also enrolled in an alternative
129 program subject to the following conditions:

130 (1) The alternative program is approved by the state board;

131 (2) The student meets the general description of an at-risk student and exhibits behaviors
132 and characteristics associated with a discouraged and defeated learner;

133 (3) The alternative program complies with all requests of the county superintendent for
134 information on the educational program and progress of the student;

135 (4) The alternative program includes a family involvement component in its program. This
136 component shall include, but is not limited to, providing for student and parent participation in
137 activities that help address the challenging issues that have hindered the student's engagement
138 and progress in learning;

139 (5) The alternative program includes an on-site boarding option for students;

140 (6) The alternative program provides an individualized education program for students that
141 is designed to prepare them for a successful transition back into the public schools; and

142 (7) The parents or legal guardian of the student make application for enrollment of the
143 student in the alternative program, agree to the terms and conditions for enrollment, and enroll
144 the student in the program.